



H.C.P.(MD) No.232 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 15.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

AND

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

H.C.P.(MD)No.232 of 2023

Raveendran

... Petitioner / Father of Detenue

Vs.

1.The Superintendent of Police,
Kanyakumari District
at Nagercoil.

2.The Inspector of Police,
All Women Police Station,
Colachel,
Kanyakumari District.

3.Ajin

4.Ajees

5.Usha

...Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, directing the respondents 1 and 2 to produce the person or body of detainee minor Archana D/o.Raveendran, aged about 15 years 11 months before this Hon'ble Court and handover her to petitioner's custody.

For Petitioner : Mr.S.Sivakumar

For Respondents : Mr.A.Thiruvadi Kumar,
Additional Public Prosecutor

ORDER

(Order of the Court was made by ***R.SURESH KUMAR, J.***)

This Habeas Corpus Petition has been filed seeking direction to the respondents 1 and 2 to produce the person or body of detainee minor Archana, D/o.Raveendran, aged 15 years 11 months before this Court and hand over her custody to the petitioner, who is the father of the detenu.

2. That the detainee is the daughter of the petitioner. The respondents 3 and 4 are the petitioner's brother's sons. The fifth respondent is the mother of the respondents 3 & 4. Since the detainee has been missing



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for sometime, there was a police complaint given by the petitioner's father, which seems to have been enquired.

3. In this context, Mr.A.Thiruvadikumar, learned Additional Public Prosecutor appearing for the respondents has submitted that the detainee was taken up by the third respondent on 10.02.2023 and according to the statement given by the detainee, dated 08.03.2023 before the learned Judicial Magistrate, Kuzhithurai, there had been prohibited sexual relationship between the detainee and the third respondent, having this been enquired, the prosecution taken steps to alter the FIR for the alleged offences punishable under Sections 366(A), 376(3) of IPC and 5(1), 5(n), 6, 9(1), 9(n) 10 of POCSO Act, 2012. The detenu already been sent for medical examination which was over. The prosecution is awaiting for medical report.

4. In the meanwhile, the detainee since has been secured was brought before this Court today and she states that she is willing to go with the petitioner, who is the father of the detainee.



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5. In view of the afore-stated, by recording the said statement given by the detainee, she is permitted to go along with her father i.e., the petitioner. Hence, by recording the same and permitting the detainee to go with the father of the detainee, we feel this habeas corpus petition may be closed. Accordingly, it is closed.

(R.S.K., J.) & (K.K.R.K, J.)

15.03.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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Kanyakumari District
at Nagercoil.
- 2.The Inspector of Police,
All Women Police Station,
Colachel,
Kanyakumari District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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AND

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